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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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10 ELEOBARDO LOPEZ,) Case No. CV 16-2782-JVS (JPR)
11)
12) Petitioner,)
13)
14) v.) ORDER ACCEPTING FINDINGS AND
15) RECOMMENDATIONS OF U.S.
16) MAGISTRATE JUDGE
17)
18) S. FRAUENHEIM, Warden,)
19)
20) Respondent.)
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15 Pursuant to 28 U.S.C. § 636, the Court has reviewed the
16 Petition, records on file, and Report and Recommendation of U.S.
17 Magistrate Judge. No objections to the Report and Recommendation
18 have been filed, and, although the Magistrate Judge gave him the
19 opportunity to do so, Petitioner has not requested a stay. The
20 Court accepts the findings and recommendations of the Magistrate
21 Judge.

22 IT THEREFORE IS ORDERED that Respondent's motion to dismiss
23 is granted in part, the Petition is denied, and Judgment be
24 entered dismissing this action without prejudice. The Court
25 takes no position on whether any new petition Petitioner may file
26 would be timely or second or successive.

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28 DATED: January 24, 2017


JAMES V. SELNA
U.S. DISTRICT JUDGE